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**MAILED**

**JAN 25 2006**

**TECHNOLOGY CENTER 2100**

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Frommer, Lawrence & Haug  
745 Fifth Avenue – 10<sup>th</sup> Fl.  
New York, NY 10151

In re Application of: Barry, et al.  
Application No. 09/674,816  
Attorney Docket No. 450110-02873  
Filed: December 4, 2000  
For: NETWORKED CONDITIONAL  
ACCESS MODULE

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) **DECISION ON PETITION TO**  
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) **REMAIL OFFICE ACTION AND**  
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) **RESTART PERIOD FOR REPLY**  
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) **UNDER 37 CFR §1.181**  
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This is a decision on the petition, originally filed January 4, 2005 (duplicate filed November 18, 2005), requesting remailing of the non-final Office action of June 4, 2004 and restarting of the period for reply in the above-identified application, under 37 CFR §1.181.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received. According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

Petitioner's should adhere to language noted above. In support of the petition, applicants' representative provides a statement that the final Office action was not received and that a search has been performed. Petitioner has also submitted a copy of the docket record as well as made reference to the docket record in Petitioner's statement. In a telephone conversation with Applicant's representative William Frommer, on December 13, 2005, the docket record provided was indicated to be from the address of record.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **REDATE** and **REMAIL** the non-final Office action (originally mailed June 4, 2004) to Applicant. The three-month shortened statutory period to begin with the remailing of the action.

Brian L. Johnson, SPRE  
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